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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER FAISON,

Petitioner,

07 Civ. 8561 (JGK)

- against -

ORDER

HAROLD McKINNEY,

Respondent.

JOHN G. KOELTL, District Judge:

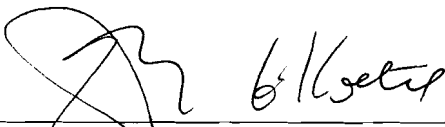
The Court was presented with two applications from the petitioner, one for the appointment of counsel and one to proceed in forma pauperis in connection with the motion to appoint counsel. The Court granted both applications on June 24, 2008.

Having reviewed the petition, the Court now **vacates** the appointment of counsel because the petitioner has failed to demonstrate that his claim has substance or a likelihood of success on the merits. See Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986); Jackson v. Moscicki, No. 99 Civ. 2427 (JGK), 2000 WL 511642, at *4 (S.D.N.Y. Apr. 27, 2000). The petitioner's motion to appoint counsel is therefore **denied without prejudice to renewal** for failure to make the required showing at this time. The petitioner's request to proceed in

forma pauperis in connection with his motion to appoint counsel is granted.

SO ORDERED.

Dated: New York, New York
July 7, 2008



John G. Koeltl
United States District Judge